



DEPARTMENT OF HEALTH & HUMAN SERVICES

---

Public Health Service

National Institutes of Health  
Office of Science Policy  
Building 1, Room 344  
9000 Rockville Pike  
Bethesda, MD 20892-2101

March 18, 2005

Mr. Jerry A. Cook  
Technical Director  
Chemical Products Corporation  
P.O. Box 2470  
Cartersville, Georgia 30120-1692

Re: Second Request for Reconsideration dated March 14, 2005

Dear Mr. Cook:

I am responding to the Request for Reconsideration that you submitted on behalf of the Chemical Products Corporation (CPC) under the National Institutes of Health (NIH) "Guidelines for Ensuring the Quality of Information Disseminated to the Public" (NIH Guidelines), asking that we reconsider our previous determination that the NIH Guidelines do not apply to your request. After thorough review of your second Request for Reconsideration and the NIH Guidelines, I am confirming our initial determination, dated July 16, 2004, and subsequent appeal response, dated January 31, 2005, that the NIH Guidelines do not apply to your request and that the existing public comment process is the appropriate mechanism for handling your comments.

Per our previous responses to your requests for corrections, you are aware that your previous and current submissions concern a draft NIH document that is not subject to the NIH Guidelines. The draft is clearly labeled with a disclaimer that indicates that it is indeed a draft, and does not represent the official view of the NIH. Therefore, challenges to its content are not handled under the NIH Guidelines.

However, your very thoughtful comments are important to us. We will continue to review them in the manner that provides the best opportunity for informing the finalization of the draft report. The best way for us to proceed toward this goal is to forward your letter to the office responsible for receiving public comments on these draft reports, the NTP Liaison and Scientific Review Office who will forward them to the appropriate NTP staff. The NTP will carefully review these and other comments on the draft documents.

Your continued participation in the public comment process is strongly encouraged. When doing so, please bear in mind that the NIH Guidelines offer one opportunity for appeal – an avenue of action that you requested with your July 29, 2004 letter. As such, future requests for appeal on this topic cannot be handled through the NIH Guidelines. The most efficient manner to submit your future comments on this topic is to the office handling public comments. You may mail or fax additional comments on this topic to:

NTP Liaison and Scientific Review Office  
National Institute of Environmental Health Sciences  
P.O. Box 12233  
111 T.W. Alexander Drive  
Research Triangle Park, NC 27709  
Fax: 919-541-0295

I appreciate your ongoing interest in this topic and am hopeful that the clarifications I've provided will be useful. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Lora Kutkat  
Office of Science Policy and Planning  
National Institutes of Health